

CHAPTER 97-02-02 DISCIPLINARY PROCEDURES

Section

97-02-02-01

Disciplinary Actions

97-02-02-02

Reinstatement Following Disciplinary Action

97-02-02-01. Disciplinary actions. All actions for disciplinary procedures must be in accordance with North Dakota Century Code chapter 28-32.

1. Action by the board to revoke, suspend, or decline to renew a license must be taken in accord with the following procedures for the situation to which they apply:
 - a. Conviction of a felony.
 - (1) Maximum action: Revocation.
 - (2) Minimum action: Stayed revocation with two years probation under approved supervision. The board may condition the probation based upon the nature of the conviction and tailor it to educate the offender to avoid a recurrence. The conditions imposed may include a rehabilitation program tailored to the violation. In appropriate cases, treatment by a qualified professional and approved by the board may be required.
 - b. Procuring of license by fraud or misrepresentation.
 - (1) Action: Revocation.
 - c. Misuse of drugs or alcohol.
 - (1) Maximum action: Revocation.
 - (2) Minimum action: Stayed revocation with two years probation under approved supervision.
 - (3) Conditions of probation:
 - (a) Misuse of drugs or alcohol:
 - [1] An evaluation by qualified professionals as approved by the board.
 - [2] Abstention from use of drugs or alcohol.
 - [3] Treatment as recommended by a qualified professional approved by the board and a

statement from the professional that the licensee is ready to resume professional responsibility.

[4] Successful completion of an oral examination administered by the board or its designees.

d. Negligence in professional conduct or nonconformance with the code of ethics as adopted by the board.

(1) Maximum action: Revocation.

(2) Minimum action: One year suspension, stayed, with two years probation with approved supervision.

(3) Conditions of probation:

(a) Successful completion of a continuing education program related to the worker client relationship and approved by the board.

(b) Successful completion of an oral examination administered by the board or its designees.

(c) If deemed appropriate by the trier of fact, practice only in a supervised, structured environment that is approved by the board.

e. Performance of functions outside the demonstrable areas of competency.

(1) Maximum action: One year suspension with two years probation with approved supervision.

(2) Minimum action: One year suspension, stayed, with three years probation.

(3) Conditions of probation:

(a) Successful completion of a continuing education program approved by the board which bears a meaningful relationship to the violation.

(b) If deemed appropriate by the trier of fact practice only in a supervised, structured environment that is approved by the board.

(c) Successful completion of an oral examination administered by the board or its designees.

- f. Mental, emotional, or physical incompetence to practice the profession.
 - (1) Maximum action: Revocation.
 - (2) Minimum action: Suspension. Application for reinstatement may be made after:
 - (a) Proof of termination of disability to the satisfaction of the board.
 - (b) Successful completion of an oral examination administered by the board or its designees.
 - (3) Upon reinstatement, if deemed appropriate by the board, practice only in a supervised, structured environment that is approved by the board.
- 9. Violation of or aid to another in violating any provision of North Dakota Century Code chapter 43-47, any other statute applicable to the practice of professional counseling, or any provision of this title.
 - (1) Maximum action: Revocation.
 - (2) Minimum action: One year suspension, stayed, with two years probation with approved supervision.
- 2. Petition for rehearing. A petition may be made to the board for reinstatement upon good cause or as a result of additional evidence being obtained that would alter the determination reached in subsection 1.

History: Effective June 1, 1991.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-14, 43-47-07

97-02-02-02. Reinstatement following disciplinary action.

- 1. Any person whose license has been revoked or whose renewal application has been denied renewal under section 97-02-02-01 may submit a new application to the board for licensure two years after the date of the revocation or denial.
- 2. The board may, after a hearing, grant or deny the reinstatement sought in subdivision a of subsection 1 of this section based upon the evidence presented.

3. If an application for reinstatement is approved, the applicant must be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

History: Effective June 1, 1991.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07, 43-47-08